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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

KASSANDRA VILLAREAL,

Defendant and Appellant.

D060806

(Super. Ct. No. SCD232829)

APPEAL from a judgment of the Superior Court of San Diego County, Albert T. Harutunian, III, Judge. Affirmed.

A jury found Kassandra Villareal guilty of transporting methamphetamine (Health & Saf. Code, § 11379, subd. (a)) not for personal use (Pen. Code, § 1210, subd. (a)) and possessing methamphetamine for sale (Health & Saf. Code, § 11378). The court placed her on three years' probation. Villareal appeals. We affirm.

BACKGROUND

On the afternoon of March 9, 2011, Deputy Sheriff Rosa Patron responded to a child stealing report in Poway. She found Villareal and Tom Thongsavanh sitting on the curb in front of the home of Villareal's mother, next to a parked vehicle. Upon being questioned by Patron, Villareal said she had made the child stealing report.

Thongsavanh was calm, but Villareal seemed upset, nervous, jittery and agitated. She was crying and "not making any sense at times." She spoke rapidly and repeated herself. Her hands were shaking and her pupils were constricted. These signs led Patron to believe that Villareal was under the influence of a controlled substance. Field sobriety tests confirmed this, as did a later laboratory test. A consent search of Villareal's person revealed no contraband.

Patron asked Villareal if she had driven the vehicle to the scene. Villareal said yes. She said she had come from El Centro to pick up her daughter at Villareal's mother's home. Patron asked Villareal if the vehicle belonged to her. Villareal said it belonged to Thongsavanh's sister.

Patron asked Villareal for permission to search the vehicle. Villareal said, "Sure, it's not my car, but yeah." There were "a lot of things in the car," including clothing for a woman and a small child, pictures of Villareal with a small child, and bags. Patron asked Villareal if the clothing and bags belonged to her. Villareal replied, "Yes, I'm moving my stuff." There was no men's clothing in the vehicle's passenger compartment.

In the passenger area directly behind the driver's seat, Patron saw a sweater that appeared to be Villareal's size. Inside one of the pockets was a clear plastic container

containing a small amount of a white crystalline powder. Patron believed the substance might be methamphetamine and confirmed this with a presumptive test. The amount was too small, however, to be tested in the laboratory.

Patron requested a narcotics dog to assist her in the search. After the dog sniffed the vehicle, Patron spoke to the dog's handler and then searched the vehicle's trunk. In the trunk were bags and women's and children's clothing, but no men's clothing. Among the clothing was a small black cosmetic bag. Patron unzipped the bag and found a long bag. In the long bag were six individual packages containing a white crystalline substance; 18 small, unused baggies; and eight tiny baggies. A presumptive test revealed the white crystalline substance to be methamphetamine, and a later laboratory test revealed the substance weighed 31.05 grams and contained methamphetamine. The amount of the substance and the packaging indicated the methamphetamine was possessed for sale. This quantity of methamphetamine could be sold for approximately \$3,100.

A search of Villareal's purse revealed keys to the vehicle. Patron gave the keys to Thongsavanh, who did not appear to be under the influence, and released the vehicle to him. On cross-examination, Patron testified that Thongsavanh was unemployed and Sandy Le was the vehicle's registered owner.

Le testified for the defense that Thongsavanh and Villareal came from San Diego in Thongsavanh's car to visit her in Imperial County. Le did not recall the date. Thongsavanh's car broke down and Villareal had to pick up her daughter, so Thongsavanh asked Le if he could borrow Le's car. Le gave him the keys. Thongsavanh

drove away with Villareal in the front passenger's seat. Thongsavanh drove the car back to El Centro the next day, then drove Le to San Diego in Le's car. At Thongsavanh's residence in San Diego, he took everything out of the trunk and the backseat and put it in another car. Neither the items Thongsavanh removed from Le's car nor the drugs found in Le's car belonged to Le. When she lent the car to Thongsavanh and Villareal, there were no bags of clothing in the back seat, and no black cosmetic bag or laundry basket in the trunk.

DISCUSSION

Appointed appellate counsel has filed a brief summarizing the facts and proceedings below. Counsel presents no argument for reversal, but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*). Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), counsel lists as possible but not arguable issues: (1) whether there was sufficient evidence to support the convictions; (2) whether, when a defense witness testifies in a limited matter about certain topics, but invokes his Fifth Amendment rights concerning other topics which the court finds relate to a central issue, the court abuses its discretion by striking the entirety of the witness's testimony, or whether it is within the court's discretion to preclude the witness from testifying at all if it believes this situation will occur; and (3) whether the court erred by denying Villareal's *Miranda* motion (*Miranda v. Arizona* (1966) 384 U.S. 436).

We granted Villareal permission to file a brief on her own behalf. She has not responded. A review of the record pursuant to *Wende* and *Anders*, including the possible

issues listed pursuant to *Anders*, has disclosed no reasonably arguable appellate issues.

Villareal has been competently represented by counsel on this appeal.

DISPOSITION

The judgment is affirmed.

O'ROURKE, J.

WE CONCUR:

McINTYRE, Acting P. J.

AARON, J.